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BILL



ANALYSIS

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Senate Bill 265 (as introduced 2-14-95)
Sponsor: Senator Dave Honigman
Committee: Local, Urban and State Affairs

Date Completed: 2-21-96

CONTENT

The bill would create a new act to provide for the creation of official maps by public agencies, showing the location of public facilities within a public agency's jurisdiction. The bill would do the following:

- Provide that a public agency could not adopt an official map until it had held a public hearing and a planning body had reviewed the map.
- Require county clerks to incorporate public agencies' official maps into a master official map.
- Require notice to a public agency of proposed construction or enlargement of a building within the boundaries of a public facility designated on a master official map.
- Provide that, if proposed construction or enlargement would be incompatible with a public facility, the public agency would have to obtain title to the property, or amend the official map by deleting the property.

"Public agency" would mean the legislative body of a city, village, township, or county; a county park commission; a county road agency; or the Director of the State Transportation Department. "Public facility" would mean an existing or planned street, road, highway, park, playground, or other public ground.

Adoption of Official Map

By ordinance, resolution, or rule, a public agency could adopt an official map of all or part of the area within the agency's jurisdiction, showing all of the public facilities of the public agency or showing all of a certain type of public facility of the agency. A public agency could not adopt an official map before the agency or a committee or official designated by the agency conducted a hearing on the proposed map in the manner provided by the Open Meetings Act. Notice of the hearing would have to be given by regular mail to the recorded owners of property on which a public facility was proposed to be designated on the map. In addition, a public agency could not adopt an official map before the planning body, planning commission, or planning department for the jurisdiction of the agency reviewed the proposed official map for consistency with the master plan or comprehensive development plan of the jurisdiction.

Immediately after adopting an official map, a public agency would have to publish it in a newspaper or newspapers of general circulation in the geographic area covered by the map. The official map would take effect upon publication.

A public agency could amend an official map pursuant to the procedures described above for establishing the map in the first place. Upon adopting or amending an official map, the public agency would have to transmit it to the clerk of the county in which the geographic area covered by the map was located.

Master Official Map

If a public agency transmitted an official map during a calendar year to a county clerk, the county clerk, or his or her designee, would have to incorporate that official map and all other official maps received before January 1 of the next calendar year into a master official map. The master official map would have to be distributed on June 1 of the next calendar year to each public agency that had prepared an official map covering a geographical area located in the county. During the year following the year in which the bill took effect, however, the master official map could be distributed any time after June 30.

Construction or Enlargement

A building permit could not be issued for the construction or enlargement of a building or structure within the boundaries of a public facility designated on a master official map, except as provided below.

A person desiring to construct or enlarge a building or structure within the boundaries of a proposed public facility designated on a master official map would have to give written notice to the public agency that designated the facility on the map. The person would have to deliver a copy of the notice to the local governmental office to which the application for a construction permit had been submitted. The notice would have to include all of the following:

- A description of the property.
- The name of the local governmental office to which the application had been submitted and the date it was submitted.
- The name, address, and phone number of the person who submitted the application and of the property owner, if different.

Within 90 days after the date on which the public agency received the notice, the agency would have to determine whether the proposed construction or enlargement would be incompatible with the public facility and, if so, the agency would have to do one of the following: commence to obtain title to the property within the boundaries of the proposed public facility by purchase, gift, or condemnation; or commence to amend the official map by deleting the property on which the building or structure was proposed to be constructed or enlarged. The agency would have to give notice of either action to the local governmental office to which the application for a construction permit had been submitted.

A local governmental office could not issue a building permit for the construction or enlargement of a building or structure within the boundaries of a public facility designated on a master official map unless it had received notice that the agency was amending the official map by deleting the property.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate impact on State and local units of government. Counties would incur the costs associated with incorporating official maps into the master official map and distributing the master official map. The impact also would depend on the value of private property included in the public facilities of an official map.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.